

## **EXHIBIT K**

**Roth, Melissa R.**

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**From:** Dickinson, Michelle J.  
**Sent:** Tuesday, October 06, 2009 4:12 PM  
**To:** Isabel M Humphrey  
**Cc:** dludwig@dglegal.com; Roth, Melissa R.  
**Subject:** RE: Loomis

Isabel,

As much as we want very much to expedite your production of documents, we cannot agree to an all-native production of documents from your clients in light of the data destruction and falsification issues in this case. As agreed in the Discovery Plan, other than spreadsheets, PowerPoints and financial systems such as Quickbooks, which must be produced in native format, all other documents must be produced as TIFF images, Bates numbered with an accompanying Concordance load file and the following metadata: to, from, cc, bcc, date sent/received, subject/re:, extracted text, date created, date modified, date last accessed, beg doc, end doc, beg attach, and end attach. If the vendor you chose in Canada is not able to make the conversions, I suggest you hire another vendor asap and let us know when you expect to produce Joe Loomis' electronic documents.

Your clients' responses to Intersections' document requests were due almost one month ago. You have not produced a single document for either of your clients. The fact that you have just now identified a data conversion problem with Joe Loomis' electronic documents is concerning and does not explain why you have not produced a single document for Jenni Loomis. We need to discuss this on the telephone immediately and determine whether we need the court's assistance with this and all of the other outstanding discovery issues in this case. Please confirm your availability for a phone conference tomorrow at 1:00 EST. We have asked for this call numerous times and have received either no response or the promise of a letter responding to our concerns. If you do not confirm your availability for the call tomorrow or offer another time, we will have no choice but to seek the court's assistance.

Michelle

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**From:** Isabel M Humphrey [mailto:[isabel@hhylaw.com](mailto:isabel@hhylaw.com)]  
**Sent:** Tuesday, October 06, 2009 2:47 PM  
**To:** Dickinson, Michelle J.  
**Cc:** dludwig@dglegal.com; Roth, Melissa R.  
**Subject:** RE: Loomis

Michelle, Joe has been working with a vendor in Canada on the document conversions, but they are having a problem with his Outlook files. The conversion process keeps skipping large numbers of emails. The problem supposedly may have something to do with some of the emails originating from Office 2003 (rather than Office 2007), and/or with the sheer size of Joe's .pst file, but no solution has been identified thus far. The vendor is running various tests in an attempt to resolve the issue, but this is taking longer than expected.

Given our schedule, Joe has offered to provide his email disclosures in native format to get them to you more quickly. Let me know if you would like to take him up on this offer and, if so, how you think we could best handle document control.

Isabel M. Humphrey, Esq.  
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----- Original Message -----

**From:** "Dickinson, Michelle J."  
**To:** "Isabel M Humphrey" , "Randy Yavitz" ,  
**Sent:** 10/05/2009 10:22AM  
**Subject:** Loomis

Counsel:

We are concerned that your clients have several outstanding discovery issues that need to be addressed completely before we begin depositions. We would like to set up a call to discuss the following discovery issues:

- Responses to our letters dated September 9, 18, and 25 regarding deficiencies in your clients' discovery responses;
- Your clients' production of documents;
- Imaging of computers; and
- Deposition dates.

We can be available today at 3 p.m. EST or tomorrow at 4 p.m. EST. Please let me know if either of those times works for you. Thanks.

Michelle

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(20091005)

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